

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
September 24, 2013 - 9:00 A.M.

PRESENT: COMMISSIONER DOUG WITNEY, CHAIR
COMMISSIONER GARY J. ANDERSON, VICE-CHAIR
COMMISSIONER LARRY A. ELLERTSON

ALSO PRESENT:

Robert J. Moore, Utah County Deputy Attorney	Lana Jensen, Utah County Personnel Director
Paul Jones, Utah County Deputy Attorney	Jane Ivie, Personnel Office
Bryan E. Thompson, Utah County Clerk/Auditor	Jeff Smith, Utah County Recorder
Burt Harvey, Clerk/Auditor - Tax Admin. Supervisor	Andrea Allen, Utah County Recorder's Office
Jim Stevens, Utah County Assessor's Office	Mike Forshee, Utah County Sheriff's Office
Julie Rollins, Utah County Purchasing Agent	Dalene Higgins, Utah County Sheriff's Office
Bryce Armstrong, Community Development	Gary Ratcliffe, Utah County Surveyor
Brandon Larsen, Community Development	Cary McConnell, Utah County Treasurer's Office
Dr. Joseph K. Miner, Health Department Exec. Director	Helina Carter-Thomas, -No further information given-
Neil Peterson, Information Systems Director	Mike Stansfield, Fairways Media
	Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Witney called the meeting to order at 9:06 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Gary J. Anderson, Utah County Commissioner

PLEDGE OF ALLEGIANCE: Richard Nance, Utah County Department of Drug & Alcohol Prevention & Treatment

CONSENT AGENDA

1. **DECLARE ATTACHED LIST OF COMPUTER EQUIPMENT AS SURPLUS AND ALLOW THE DISPOSITION THEREOF BY PUBLIC AUCTION**
2. **DECLARE AS SURPLUS A MOSSBERG MODEL 590, SERIAL NO. L869212, WITH AN ESTIMATED VALUE OF \$175.00 TO BE PRESENTED TO ROBIN WALL FOR SERVING THE UTAH COUNTY SHERIFF'S OFFICE AND CITIZENS OF UTAH COUNTY**
3. **APPROVE (OR DENY) THE L. CARSON SUBDIVISION, PLAT "A," SUBJECT TO THE CONDITIONS STATED IN THE STAFF REPORT**
4. **APPROVE (OR DENY) THE LOAFER RANCHES SUBDIVISION, PLAT "A," SUBJECT TO THE CONDITIONS STATED IN THE STAFF REPORT**

Brandon Larsen of the Utah County Community Development Office clarified for Commissioner Witney that the approval for Consent Agenda Item Nos. 3 and 4 would be contingent upon the applicants meeting the conditions set in the Staff Report(s).

5. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE CANCELLATION AND CORRECTION LETTER NO. 60295, DATED SEPTEMBER 18, 2013**

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6. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20292, DATED SEPTEMBER 18, 2013**
7. **APPROVE REDUCING THE PENALTY IN THE AMOUNTS LISTED FOR THE ATTACHED PERSONAL PROPERTY ACCOUNTS, HAVING BEEN IDENTIFIED AS MEETING THE QUALIFICATIONS UNDER ORDINANCE NO. 2010-4 AND RESOLUTION NO. 2011-64 OF THE UTAH COUNTY CODE**
8. **ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE UTAH COUNTY HEALTH DEPARTMENT, THE CHILDREN'S JUSTICE CENTER, AND THE SENIOR COMPANION PROGRAM**

9. **APPROVE THE MINUTES OF THE SEPTEMBER 10, 2013 COMMISSION MEETING**

Commissioner Ellertson requested some clarification to Regular Agenda Item No. 4 on Page 5 of the September 10, 2013 Commission meeting minutes, and mentioned delays by Qwest in the North County Boulevard Project. Utah County Clerk/Auditor Bryan E. Thompson suggested that Consent Agenda Item No. 9 be continued to the next meeting of the Board.

CONTINUED TO OCTOBER 1, 2013

10. **APPROVE THE MINUTES OF THE SEPTEMBER 17, 2013 COMMISSION MEETING**

11. **RATIFICATION OF PAYROLL**

Period 19 18 Checks: \$11,394.48 1,135 Total Deposits: \$1,474,118.11 Total: \$1,485,512.59
Federal Payroll Taxes Total: \$ 211,163.15

12. **RATIFICATION OF WARRANT REGISTER SUMMARY**

Register No. 864	September 16, 2013	Check Nos. 185216-185233	Total: \$ 11,669.20
Register No. 865	September 16, 2013	Check Nos. 185234-185245	Total: \$ 211,836.41
Register No. 866	September 18, 2013	Check Nos. 185246-185310	Total: \$ 2,604.00
Register No. 867	September 18, 2013	Check Nos. 185311-185343	Total: \$ 33,733.42
Register No. 868	September 19, 2013	Purchasing Cards 737-755	Total: \$ 5,997.39
Register No. 869	September 19, 2013	Check Nos. 185344-185372	Total: \$ 29,296.14
Register No. 870	September 19, 2013	Direct Deposit:17772-17782	Total: \$ 867,570.52
Register No. 871	September 19, 2013	Check Nos. 185373-185388	Total: \$ 90,645.86
Register No. 872	September 20, 2013	Direct Deposit:17783-17784	Total: \$ 999.50
Register No. 873	September 20, 2013	Purchasing Cards 756-760	Total: \$ 2,954.29
Register No. 874	September 20, 2013	Check Nos. 185389-185440	Total: \$ 107,550.20
Register No. 875	September 20, 2013	Purchasing Cards 761-766	Total: \$ 87,809.00
Register No. 876	September 20, 2013	Direct Deposit:17785-17813	Total: \$ 15,529.51
Register No. 877	September 20, 2013	Purchasing Cards 767-772	Total: \$ 2,953.14
Register No. 878	September 20, 2013	Check Nos. 185441-185487	Total: \$ 44,701.26
		Total:	<u>\$1,515,849.84</u>

Consent Agenda Item Nos. 1 through 8, and 10 through 12, were approved as written. Commissioner Witney recommended the following Regular Agenda items be moved to Consent:

1. **APPROVE EMPLOYEE DONATIONS OF LEAVE TIME WITHIN THE UTAH COUNTY SHERIFF'S OFFICE**

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2. **DELETE ONE (1) FULL-TIME CAREER SERVICE SYSTEMS ANALYST/PROGRAMMER I POSITION (CLASS CODE 3027) FROM THE INFORMATION SYSTEMS DEPARTMENT STAFFING PLAN, AND REPLACE IT WITH ONE (1) FULL-TIME CAREER SERVICE SYSTEMS ANALYST/PROGRAMMER II POSITION (CLASS CODE 2030, ACCOUNT NO. 670-41671) IN ORDER TO FACILITATE A CAREER LADDER ADVANCEMENT**

Commissioner Ellertson noted for the record that the costs associated with this Staffing Plan change would ultimately be covered within the budget of the Utah County Sheriff's Office.

5. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH LES OLSON COMPANY FOR THE MX-4101 COPIER, SERIAL NO. 05071286, LOCATED IN THE SHERIFF'S OFFICE**
6. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MAINTENANCE AGREEMENT WITH LES OLSON COMPANY FOR THE MX-4101 COPIER, SERIAL NO. 05047657, LOCATED IN THE SHERIFF'S OFFICE - PATROL DIVISION**
7. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 1 TO AGREEMENT NO. 2013-364 WITH THE UTAH STATE DEPARTMENT OF HEALTH**
8. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT BETWEEN THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT AND ALPINE SCHOOL DISTRICT FOR PREVENTION SERVICES**
9. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT BETWEEN THE UTAH COUNTY DEPARTMENT OF DRUG AND ALCOHOL PREVENTION AND TREATMENT AND BIG BROTHERS BIG SISTERS OF UTAH FOR PREVENTION SERVICES**
11. **ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE COMMISSION CHAIR TO SIGN AN INTERLOCAL AGREEMENT WITH SPANISH FORK CITY FOR FLOOD MITIGATION WORK ALONG THE SPANISH FORK RIVER**
12. **ADOPT A RESOLUTION AWARDED COUNTY PERSONAL PROPERTY AS A GIFT IN RECOGNITION OF MERITORIOUS SERVICE TO UTAH COUNTY FOR SERGEANT ROBIN WALL**

ACTIONS TAKEN

Consent Agenda Item Nos. 1 and 2 were declared as surplus; Nos. 3, 4, 5, 6, 7 and 10 were approved; No. 8 was adopted; No. 9 was continued to the October 1, 2013 meeting of the Board; and Nos. 11 and 12 were ratified. Regular Agenda Item Nos. 1 and 2 were approved; Nos. 5, 6, 7, 8 and 9 were approved and authorized; and Nos. 11 and 12 were adopted.

AGREEMENT NOS.: 2013-647, 2013-648, 2013-649, 2013-650, 2013-651, 2013-652, 2013-653, 2013-654, 2013-655, 2013-656, 2013-657, 2013-658 and 2013-659

RESOLUTION NOS.: 2013-105, 2013-106, and 2013-107

REGULAR AGENDA

3. ADOPT OR DENY AN ORDINANCE TO AMEND THE UTAH COUNTY GENERAL PLAN LAND USE MAP FROM AGRICULTURAL/WATERSHED TO RESIDENTIAL, AND TO AMEND THE UTAH COUNTY ZONE MAP FROM THE RESIDENTIAL AGRICULTURAL (RA-5) ZONE TO THE TRANSITIONAL RESIDENTIAL (TR-5) ZONE IN SECTION 4, T7S R2E, PROVO AREA OF UTAH COUNTY

Bryce Armstrong of the Utah County Community Development Office confirmed for Commissioner Witney that the applicant for this map and zone change did not attend that Utah County Planning Commission meeting wherein the issues were discussed. The Planning Commission has recommended to deny the ordinance. Mr. Armstrong added that the applicant was sent notice of today's session and is again not present after several attempts to schedule a meeting. Commissioner Ellertson expressed concern regarding the proposed changes.

Commissioner Ellertson made the motion to deny the ordinance detailed in Regular Agenda Item No. 3. The motion was seconded by Commissioner Anderson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

DENIED

4. RATIFY PORTIONS OF THE 2013 ANNUAL DELINQUENT TAX SALE NOT PREVIOUSLY RATIFIED DUE TO THE PRESENT OF A FEDERAL TAX LIEN AGAINST THE ORIGINAL OWNER OF RECORD PER UTAH COUNTY CODE 21-5-7 AND SECTION 7425 (C) OF THE INTERNAL REVENUE CODE

Tax Administration Supervisor Burt Harvey of the Utah County Clerk/Auditor's Office came forward to explain the waiting period of 120 days on the sale finalization of properties presented with federal tax liens. No one contested the sale on four of the five properties that were included on this list. The delinquent taxes for Property Serial No. 30:023:0034, belonging to Dan Whiting, have been paid by his widow. Utah County Clerk/Auditor Bryan E. Thompson added that there had been no bids on this parcel during the 2013 May Tax Sale.

Burt Harvey explained that there is no basis to exclude the Whiting property from the sale ratification based on statute, but the circumstances have led the Clerk/Auditor's Office to recommend striking it from the list in the best interest of the county. Dianne Orcutt of the Utah County Attorney's Office added that the Attorney's Office agrees with the recommendation to allow the original owner on record retain the property since the Utah County Treasurer's Office did accept payment after the fact. Susie Whiting approached the bench to explain that she lost her husband in November 2012, and her son in January of this year; Commissioner Anderson offered his condolences.

Commissioner Ellertson made the motion to ratify portions of the 2013 Annual Delinquent Tax Sale not previously ratified, with the exception of Line Item No. 2 as specified in Regular Agenda Item No. 4. The motion was seconded by Commissioner Anderson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

AGREEMENT NO. 2013-660

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- 10. APPROVE OR DENY A REQUEST FROM THE UTAH COUNTY EMPLOYEES ASSOCIATION TO WAIVE THE REQUIREMENT OF SECTION 1.6.A OF THE UTAH COUNTY FACILITY USE POLICY, AND AUTHORIZE THEM TO CONDUCT A BOOK SALE IN ROOM NOS. 1600-1601 OF THE HEALTH AND JUSTICE BUILDING ON THURSDAY, NOVEMBER 7 AND FRIDAY, NOVEMBER 8, 2013**

Utah County Public Works Director Richard Nielson clarified for Commissioner Ellertson that the Book Sale profits would be for the Utah County Employees Association.

Commissioner Anderson made the motion to approve the request from the Utah County Employees Association to waive the requirements of Section 1.6.A of the Utah County Facility Use Policy as outlined in Regular Agenda Item No. 10. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

AGREEMENT NO. 2013-661

- 13. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE FY2013 ANNUAL BEER TAX FUNDS FOR COUNTIES FORM**

Commissioner Ellertson had questions regarding the total dollar amounts specified within the report, and Dalene Higgins of the Utah County Sheriff's Office offered to review the documents again before submitting to the Utah Commission on Criminal and Juvenile Justice.

Commissioner Anderson made the motion to approve the FY2013 Annual Beer Tax Funds for Counties form as identified in Regular Agenda Item No. 13. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

AGREEMENT NO. 2013-662

Dalene Higgins updated the forms following the Commission meeting, and the corrected documents were filed.

At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

- 15. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION**
STRICKEN

- 17. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY**
STRICKEN

- 18. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., AS AMENDED**
STRICKEN

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Commissioner Anderson made the motion to strike Regular Agenda Item Nos. 15, 17, and 18 to set dates, times and locations for closed meetings for a strategy session to discuss pending or reasonably imminent litigation; for a strategy session to discuss the sale of real property; and to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

14. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS

Commissioner Anderson made the motion to set a date, time and location for a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals to immediately follow the public comment portion of the regular public meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

SET

16. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY

Commissioner Anderson made the motion to set a date, time and location for a closed meeting for a strategy session to discuss the purchase, exchange, or lease of real property to immediately follow the previously scheduled closed meeting today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Ellertson and carried with the following vote:

AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

There were no public comments and the meeting recessed at 9:24 A.M. to go into closed meetings. The public meeting reconvened at 10:06 A.M.

Commissioner Ellertson made the motion to adjourn the September 24, 2013 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Anderson and carried with the following vote:

**AYE: Doug Witney
Gary J. Anderson
Larry A. Ellertson
NAY: None**

There being no further business nor public comment, the meeting adjourned at 10:07 A.M. The minutes of the September 24, 2013 Commission Meeting were approved as transcribed on October 15, 2013.

DOUG WITNEY, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

